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EXAMINER

PATEL, HARESH N

| ART UNIT | PAPER NUMBER |
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2154

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,919

Applicant(s)

BODIN ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 12/17/2005 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-27 is maintained.

Applicant argues (1), "cited references, i.e., Java Media Framework API Guide, JMF 2.0 FCS, November 19, 1999, Sun Microsystems, page 1-66, 109- 135, 173-178 (Hereinafter Sun), Application Server Solution Guide, Enterprise Edition: Getting Started, Nusbaum, May 2000, Nusbaum et. al., pages 1-45, 416-434 (Hereinafter Nusbaum), and OpenJava: A Class-based Macro System for Java, Tatsubori, et., July 2000, In Reflection and Software Engineering, pages 119-135 (Hereinafter Tatsubori) do not contain a suggestion, or motivation to modify or to combine with each other and examiner has impermissibly used hindsight. The examiner respectfully disagrees in response to applicant's arguments. In response to the references containing a suggestion, or motivation to modify or to combine with each other, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). Sun teaches a method, a

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system and a computer program product to implement streaming (e.g., streaming media, page 4) digital content (e.g., MPEG, JPEG, etc., video formatted content, page 6), in conjunction with a system that provides streaming digital content from a multiplicity of sources of digital content (e.g., variety of media sources providing media contents over networks, page 3) to a multiplicity of client devices (e.g., media content receiving media devices, page 3), the system including a content server (e.g., server providing video contents, page 5) through which digital content is transcoded (e.g., transcoding the video contents, page 33), into output streams (e.g., output stream, page 33), the output streams communicated via network to client devices (e.g., media receiving devices across network, page 3), the digital content selected for inclusion in output streams in dependence upon instructions (e.g., instructions for controlling media streams, page 43). Nusbaum teaches use of remote director instructions (e.g., use of servlets and JSPs directed by clients/administer over network, pages 13 and 36) comprising hyperlinked URLs (servlet URLs, page 2) invoked through a network-capable device (e.g., network device, page 13) and for each URL in an instruction a computer program that is executed when the URL is invoked (e.g., servlet to be used specified by the servlet aliases, page 2). Tatsubori teaches the well-known use of macro control system and the use of macro to perform the functionality of the function (e.g., use of metaobjects representing logical entities of a program, page 1). With the combined teachings of Sun, Nusbaum and Tatsubori, a person of ordinary skill in the art, would utilize the concept of transcoding to transform the digital information using the macro system. The macro instructions would help provide information on how the digital information needs to be handled by the software. The digital data would be used for streaming information to the user. In

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response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Therefore, the rejection is maintained.

Applicant argues (2), "cited references, i.e., Nusbaum, Sun and Tatsubori do not contain a suggestion of any expectation of success". The examiner respectfully disagrees in response to applicant's arguments. In response to the references containing a suggestion of any expectation of success, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); *In re Young*, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). The claimed subject matter accomplishes a method, a system and a computer program product to implement streaming digital content. Sun teaches a method, a system and a computer program product to implement streaming (e.g., streaming media, page 4) digital content (e.g., MPEG, JPEG, etc., video formatted content, page 6), in conjunction with a system that provides streaming digital content from a multiplicity of sources of digital content (e.g., variety of media sources

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providing media contents over networks, page 3) to a multiplicity of client devices (e.g., media content receiving media devices, page 3), the system including a content server (e.g., server providing video contents, page 5) through which digital content is transcoded (e.g., transcoding the video contents, page 33), into output streams (e.g., output stream, page 33), the output streams communicated via network to client devices (e.g., media receiving devices across network, page 3), the digital content selected for inclusion in output streams in dependence upon instructions (e.g., instructions for controlling media streams, page 43). Nusbaum teaches use of remote director instructions (e.g., use of servlets and JSPs directed by clients/administer over network, pages 13 and 36) comprising hyperlinked URLs (servlet URLs, page 2) invoked through a network-capable device (e.g., network device, page 13) and for each URL in an instruction a computer program that is executed when the URL is invoked (e.g., servlet to be used specified by the servlet aliases, page 2). Tatsubori teaches the well-known use of macro control system and the use of macro to perform the functionality of the function (e.g., use of metaobjects representing logical entities of a program, page 1). With the combined teachings of Sun, Nusbaum and Tatsubori, a person of ordinary skill in the art, would utilize the concept of transcoding to transform the digital information using the macro system. The macro instructions would help provide information on how the digital information needs to be handled by the software. The digital data would be used for streaming information to the user. The combined teachings of Sun, Nusbaum and Tatsubori would support implementing all claimed limitations to accomplish a method, a system and a computer program product to implement streaming digital content. Therefore, the rejection is maintained.

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Applicant argues (3), “the combined teachings of cited references, i.e., Nusbaum, Sun and Tatsubori do not disclose, teach or suggest all of applicant’s claimed limitations, in particular, macro control of streaming digital content, macros comprising a URL and a first time, remote director instructions, macros being stored in the order in which the URLs are first invoked through hyperlinks, reading the macros in the order in which the macros were stored, invoking each URL of each macros as a hyperlink at a second time, formulating and issuing a remote director instruction. The examiner respectfully disagrees in response to applicant’s arguments. Nusbaum, Sun and Tatsubori teach the claimed limitations, control of streaming digital content (e.g., handling start time of the media information, pages 48 and 50, Sun), function comprising a URL and a first time (e.g., time based URL information, page 4, Sun), remote director instructions (e.g., use of servlets and JSPs directed by clients/administer over network, pages 13 and 36, Nusbaum), the functions being stored in the order in which the URLs are first invoked through hyperlinks (e.g. sequence of instructions handled for handling time based media information, pages 49 and 50, Sun), reading the functions in the order in which the functions were stored (e.g. sequence of functions handled for time based media information, pages 49 and 50, Sun), invoking each URL of each functions as a hyperlink at a second time (e.g., use of sequence of time based URL for different functions for controlling the media player to respond several media events for playing MPEG movie by synchronized multiple media streams from different sources, page 61, Sun), macro control system and the use of macro to perform the functionality of the function (e.g., use of metaobjects representing logical entities of a program, page 1, Tatsubori). The claim is open-ended (comprising), and page 29, lines 7-14 of the specification, clearly states, “It

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will be understood from the foregoing description that various modifications and changes may be made in embodiments of the present invention without departing from its true spirit. All exemplary embodiments described in this specification are mere examples, not limiting definitions of the invention. It is intended that descriptions in this specification are only for purposes of illustration and are not to be construed in a limiting sense. The scope of this invention should be limited only by the language of the following claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (4), "Sun, is Non-analogous Art, not in the same field of endeavor as the present application, is not reasonably pertinent to the particular problem with which the inventor was concerned, and teaching away from the claims". The examiner respectfully disagrees. As per the claimed invention, the applicant discloses, a method, a system and a computer program product to implement streaming digital content. Sun teaches a method, a system and a computer program product to implement streaming (e.g., streaming media, page 4) digital content (e.g., MPEG, JPEG, etc., video formatted content, page 6), in conjunction with a system that provides streaming digital content from a multiplicity of sources of digital content (e.g., variety of media sources providing media contents over networks, page 3) to a multiplicity of client devices (e.g., media content receiving media devices, page 3), the system including a content server (e.g., server providing video contents, page 5) through which digital content is transcoded (e.g., transcoding the video contents, page 33), into output streams (e.g., output stream, page 33), the output streams communicated via network to client devices

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(e.g., media receiving devices across network, page 3), the digital content selected for inclusion in output streams in dependence upon instructions (e.g., instructions for controlling media streams, page 43), which is the same field of endeavor. In response to applicant's argument that Sun is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, a method, a system and a computer program product to implement streaming digital content is similar to Sun's teachings of a method, a system and a computer program product to implement streaming (e.g., streaming media, page 4) digital content (e.g., MPEG, JPEG, etc., video formatted content, page 6), in conjunction with a system that provides streaming digital content from a multiplicity of sources of digital content (e.g., variety of media sources providing media contents over networks, page 3) to a multiplicity of client devices (e.g., media content receiving media devices, page 3), the system including a content server (e.g., server providing video contents, page 5) through which digital content is transcoded (e.g., transcoding the video contents, page 33), into output streams (e.g., output stream, page 33), the output streams communicated via network to client devices (e.g., media receiving devices across network, page 3), the digital content selected for inclusion in output streams in dependence upon instructions (e.g., instructions for controlling media streams, page 43). The usage of remote director instructions, URLs are well known in the art, for example Nusbaum teaches use of remote director instructions (e.g., use of servlets and JSPs directed by clients/administer over network, pages 13 and 36) comprising

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hyperlinked URLs (servlet URLs, page 2) invoked through a network-capable device (e.g., network device, page 13) and for each URL in an instruction a computer program that is executed when the URL is invoked (e.g., servlet to be used specified by the servlet aliases, page 2). Tatsubori teaches the well-known use of macro control system and the use of macro to perform the functionality of the function (e.g., use of metaobjects representing logical entities of a program, page 1). Hence, the combined teachings of Sun, Nusbaum and Tatsubori teach what the claims accomplish. The claim is open-ended (comprising), and page 29, lines 7-14 of the specification, clearly states, "It will be understood from the foregoing description that various modifications and changes may be made in embodiments of the present invention without departing from its true spirit. All exemplary embodiments described in this specification are mere examples, not limiting definitions of the invention. It is intended that descriptions in this specification are only for purposes of illustration and are not to be construed in a limiting sense. The scope of this invention should be limited only by the language of the following claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*,

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422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No.09/882174. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 7, 10, 16, 19, 25 are similar to claim 1 of copending Application No. 09/882174. The limitations, "remote direction of streaming digital content from a content server to a client devices using remote director", is equivalent to the use of content information, transcoding gateway for providing director instructions to stream digital content, and the use of email containing digital content. The limitations of dependent claims 2-6, 8, 9, 11-15, 17, 18, 20-24, 26, 27, are similar to claims 2-22 of copending Application No. 09/882174. The copending application handles transcoding information using the network device. The current application also handles transcoding information using the network device. The claimed subject matter of the copending application does not mention about macro control and macro instructions. However, the concept of using macro control and macro instructions is well-known in the art, for example, Tatsubori teaches the well-known use of macro control and macro instructions (e.g., use of metaobjects representing logical entities of a program, page 1). The macro control and

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macro instructions would help provide instructions to perform the transcoding for the device. A person of ordinary skill in the art, would use the well known macro control and macro instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 1-22 of copending application number 09/882174.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 1-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-15 of copending Application No. 09/881915. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 7, 10, 16, 19, 25 are similar to claim 1 of copending Application No. 09/881915. The limitation “remote direction of streaming digital content from a content server to a client devices using remote director” is equivalent to the use of a content server through which digital content is transcoded into streams of multimedia data, the streams communicated via network to client devices, use of the digital content for streaming, use of remote director instructions comprising hyperlinked URLs invoked through a network-capable device. The limitations of dependent claims 2-6, 8, 9, 11-15, 17, 18, 20-24, 26, 27, are similar to claims 2-12 of copending Application No. 09/881915. The copending application handles transcoding information using the network device. The current application also handles transcoding information using the network device. The claimed subject matter of the copending application does not mention about macro control and macro instructions.

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However, the concept of using macro control and macro instructions is well-known in the art, for example, Tatsubori teaches the well-known use of macro control and macro instructions (e.g., use of metaobjects representing logical entities of a program, page 1). The macro control and macro instructions would help provide instructions to perform the transcoding for the device. A person of ordinary skill in the art, would use the well known macro control and macro instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 2-12 of copending application No. 09/881915.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 1-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No.09/881917. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 7, 10, 16, 19, 25 are similar to claim 1 of copending Application No. 09/881917. The limitations, “remote direction of streaming digital content from a content server to a client devices using remote director”, is equivalent to the use of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices, use of network of digital computers comprising a content server. The limitations of dependent claims 2-6, 8, 9, 11-15, 17, 18, 20-24, 26, 27, are similar to claims 2-20 of copending Application No. 09/881917. The copending application handles transcoding information using the network device. The current application also handles transcoding

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information using the network device. The claimed subject matter of the copending application does not mention about macro control and macro instructions. However, the concept of using macro control and macro instructions is well-known in the art, for example, Tatsubori teaches the well-known use of macro control and macro instructions (e.g., use of metaobjects representing logical entities of a program, page 1). The macro control and macro instructions would help provide instructions to perform the transcoding for the device. A person of ordinary skill in the art, would use the well known macro control and macro instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 2-20 of copending Application No. 09/881917.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 1-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No.09/882173. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 7, 10, 16, 19, 25 are similar to claim 1 of copending Application No. 09/882173. The limitation “remote direction of streaming digital content from a content server to a client devices using remote director” is equivalent to the use of remote direction of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices upon a network of digital computers comprising a content server receiving digital content from the sources and the digital content having a multiplicity of digital formats.

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The concept of the use of macro control and macro instructions is well known in the art. The limitations of dependent claims 2-6, 8, 9, 11-15, 17, 18, 20-24, 26, 27, are similar to claims 2-11 of copending Application No. 09/882173. The copending application handles transcoding information using the network device. The current application also handles transcoding information using the network device. The claimed subject matter of the copending application does not mention about macro control and macro instructions. However, the concept of using macro control and macro instructions is well-known in the art, for example, Tatsubori teaches the well-known use of macro control and macro instructions (e.g., use of metaobjects representing logical entities of a program, page 1). The macro control and macro instructions would help provide instructions to perform the transcoding for the device. A person of ordinary skill in the art, would use the well known macro control and macro instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 1-12 of copending Application No.09/882173.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Drawings

7. The formal drawings submitted on 12/17/2004 are acknowledged.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Java Media Framework API Guide, JMF 2.0 FCS, November 19, 1999, Sun Microsystems, page 1-66, 109- 135, 173-178 (Hereinafter Sun) in view of Application Server Solution Guide, Enterprise Edition: Getting Started, Nusbaum, May 2000, Nusbaum et. al., pages 1-45, 416-434 (Hereinafter Nusbaum) and in further view of "OpenJava: A Class-based Macro System for Java", Tatsubori et al., In reflection and software engineering, pages 119-135, July 2000 (Hereinafter Tatsubori).

10. As per claims 1, 7, 10, 16, 19, 25, Sun teaches a method, a system and a computer program product to implement streaming (e.g., streaming media, page 4) digital content (e.g., MPEG, JPEG, etc., video formatted content, page 6), in conjunction with a system that provides streaming digital content from a multiplicity of sources of digital content (e.g., variety of media sources providing media contents over networks, page 3) to a multiplicity of client devices (e.g., media content receiving media devices, page 3), the system including a content server (e.g., server providing video contents, page 5) through which digital content is transcoded (e.g., transcoding the video contents, page 33), into output streams (e.g., output stream, page 33), the output streams communicated via network to client devices (e.g., media receiving devices across network, page 3), the digital content selected for inclusion in output streams in dependence upon instructions (e.g., instructions for controlling media streams, page 43), by:

establishing a time for an event, the event comprising a multiplicity of sources of digital content (e.g., starting the media presentation, page 50);

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a recording medium, recording in non-volatile, machine-readable storage, the digital content (e.g., page 115),

storing in computer memory, during the duration of the event, function comprising a URL and a time (e.g., time based URL information, page 4), the URL being a hyperlinked URL component of an instruction (e.g., using HTTP protocol, page 4), the first time being the time after the first start time when the URL was first invoked through a hyperlink as part of a instruction for control of streaming digital content (e.g., handling start time of the media information, pages 48 and 50), the functions being stored in the order in which the URLs are first invoked through hyperlinks and function comprising URL (e.g. sequence of instructions handled for handling time based media information, pages 49 and 50),

establishing a second time for retransmitting the event (e.g., retransmission of the media information if lost or corrupted, page 110);

the event comprising a multiplicity of sources of digital content formats (e.g., several media formats, page 6);

reading from computer memory the functions in the order in which the functions were stored (e.g. sequence of functions handled for time based media information, pages 49 and 50);

invoking each URL of each function as a hyperlink at a second elapsed time after the second time (e.g., use of sequence of time based URL for different functions for controlling the media player to respond several media events for playing MPEG movie by synchronized multiple media streams from different sources, page 61),

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retrieving from the non-volatile, machine-readable storage, transcoding, selecting for inclusion in output streams, and communicating to client devices, in dependence upon instructions, the digital content, whereby is effected a retransmission of an event (e.g., retransmission of the media information if lost or corrupted, page 110).

the second time being approximately equal to the first elapsed time of the function, establishing a first start time for an event, the event having a duration, (e.g., setting the playback rate depending upon the elapsed timing of the factions compared to the next timing of the event, page 47).

However, Sun does not specifically mention about use of remote director instructions comprising hyperlinked URLs invoked through a network-capable device and for each URL in an instruction a computer program that is executed when the URL is invoked.

Nusbaum clearly teaches use of remote director instructions (e.g., use of servlets and JSPs directed by clients/administer over network, pages 13 and 36) comprising hyperlinked URLs (servlet URLs, page 2) invoked through a network-capable device (e.g., network device, page 13) and for each URL in an instruction a computer program that is executed when the URL is invoked (e.g., servlet to be used specified by the servlet aliases, page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sun with the teachings of Nusbaum in order to facilitate transforming of the objects that are selected based on remote director instructions because the transforming would help transform information using the remote

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director instructions. The usage of URL and software supporting the URL would help provide information for the transforming handled by the device.

However, Nusbaum and Sun do not specifically mention about the use of macro control system and the use of macro to perform the functionality of the function.

Tatsubori teaches the well-known use of macro control system and the use of macro to perform the functionality of the function (e.g., use of metaobjects representing logical entities of a program, page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Nusbaum, Sun with the teachings of Tatsubori in order to facilitate usage of the macro control and macro instructions because macro instructions would help support transforming of the objects. The macro control and macro instructions would help provide instructions to perform the transcoding for the device.

11. As per claims 2, 11, 20, Nusbaum, Sun and Tatsubori teach the claimed limitations as rejected above. Sun also teaches the following:

recording approximately an original raw form of the digital content (e.g., capturing time based media with JMF, Appendix A, page 173).

12. As per claims 3, 4, 12, 13, 21, 22, Sun teaches the claimed limitations as rejected under claims 1, 10 and 19. However, Sun does not specifically mention about executing upon a content server through a Java servlet within the content server computer programs identified by the URLs and use of Java thread-level URL dispatch routines.

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Nusbaum teaches executing upon a content server through a Java servlet within the content server computer programs identified by the URLs (e.g., page 2, section 2.1.1.1, pages 31 and 32),

Java thread-level URL dispatch routines (e.g., section 1.2.2, page 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sun with the teachings of Nusbaum in order to facilitate usage of Java thread-level URL dispatch routines because the routines would help transform the objects. The well-known concept of handling URL references to the servlets for execution would be supported the device providing the media information.

13. As per claims 5, 6, 14, 15, 23, 24, Nusbaum, Sun and Tatsubori teach the claimed limitations as rejected above. Sun also teaches the following:

selecting for inclusion in output streams (e.g., use of output streams, page 46), and communicating to client devices are all carried out in dependence upon user preferences (e.g., usage User interface components based on user's custom control selections, page 46), user demographics (e.g., usage of user's using custom controls, page 46), and client device attributes (e.g., setting the playback rate depending upon the client device, page 47), current real time remote instructions received from a director coupled to the server (e.g., usage User interface components based on real time needs, page 46).

14. As per claims 8, 9, 17, 18, 26, 27, Nusbaum, Sun and Tatsubori teach the claimed limitations as rejected above. Sun also teaches the following:

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use and handling of video stream and registering a user for a retransmission of an event (e.g., registering for start, stop, page 24), the retransmission of an event identified by an event identification code (e.g., retransmission of an event based on the event code, page 24), the retransmission of an event comprising at least one video stream (e.g., video streaming, page 24), at least one source, a start date and a start time (e.g., start, stop, timings including date information, page 24, page 21, JMF support for video streaming),

communicating to at least one of the client devices the output video stream further comprises communicating the output stream to the network address (e.g., sending video stream to the device across network, hence inherent use of network address, page 3).

However, Sun does not specifically mention about logging in the user and login attributes.

Nusbaum clearly teaches the concept of logging in the user for the retransmission of an event, logging in the user further comprising assigning values to user login attributes, the user login attributes comprising user identification, device type, network address, and a tier (e.g., section 8.1.8.1, page 417, section 2.1.5.1, page 41, section 2.1.1.3, page 36);

assigning a tier value in dependence upon the device type and the event identification code / subscription level (e.g., section 8.1.8, page 417, section 2.1.5.1, page 41, section 2.1.1.3, page 36);

wherein the selections are dependent upon the tier (e.g., section 8.1.8.1, page 417); wherein transcoding further comprises transcoding in dependence upon the tier (section 8.1.8.1, page 417, section 2.1.5.1, page 41, section 2.1.1.3, page 36).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sun with the teachings of Nusbaum in order to facilitate logging in the user and login attributes because the logging would help access information from the device. The login attributes would help assign values to the software. The software would help provide streaming information to the device.

Conclusion

15. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

June 24, 2005


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100